

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO**

**W HOLDING COMPANY, INC., ET AL.,  
Plaintiffs**

**v.**

**AIG INSURANCE COMPANY - PUERTO  
RICO,  
Defendant**

**FEDERAL DEPOSIT INSURANCE  
CORPORATION, AS RECEIVER OF  
WESTERNBANK PUERTO RICO,  
Plaintiff Intervenor**

**v.**

**FRANK STIPES GARCIA, ET AL.,  
Cross Claim Defendants**

**AIG INSURANCE COMPANY - PUERTO  
RICO,  
Previously Joined Defendant**

**MARLENE CRUZ CABALLERO AND  
THE FRONTERA-CRUZ CONJUGAL  
PARTNERSHIP, ET AL.,  
Additional Defendants**

**CIVIL ACTION NO. 11-02271 (GAG)**

**JURY TRIAL DEMANDED**

**SECOND AMENDMENT TO SECOND AMENDED AND  
RESTATED COMPLAINT IN INTERVENTION**

NOW INTO COURT, through undersigned counsel, comes the Federal Deposit Insurance Corporation (“FDIC-R”), as Receiver of Westernbank Puerto Rico (“Westernbank” or “the Bank”), to amend the Second Amended and Restated Complaint in Intervention [Doc. 182], as amended on October 24, 2012 [Doc. 310] (the “Second Amended Complaint”), as follows:

1.

The caption of the Second Amended Complaint is hereby amended to substitute the name “Ricardo Acosta-Martinez, as Trustee for the CT Family Trust” for the name “Jane Doe, as Trustee for the CT Family Trust.”

2.

Paragraph 55(C) of the Second Amended Complaint is hereby amended to read as follows:

Defendant Ricardo Acosta-Martinez, in his capacity as Trustee for the CT Family Trust, is the Trustee of a family trust named the “CT Family Trust,” to which Defendant Tamboer transferred substantial assets without consideration.

3.

Paragraph 94 of the Second Amended Complaint is hereby amended to read as follows:

On or about December 1, 2010, over seven months after FDIC was appointed Receiver of Westernbank, Tamboer transferred approximately \$3.55 million in assets to the “CT Family Trust.” Defendant Ricardo Acosta-Martinez, in his capacity as Trustee of the CT Family Trust, is the Trustee of this trust. There was no consideration for the transfers.

4.

FDIC-R adopts and reiterates all other allegations contained in the Second Amended Complaint, including but not limited to the prayer for Relief Requested therein, as though set forth at length herein.

In San Juan, Puerto Rico, on December 18, 2012.

Respectfully submitted,

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& SIFRE, PSC**

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**Attorneys for the Federal Deposit Insurance  
Corporation**

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 18, 2012, I electronically filed the forgoing document with the Clerk of Court by using the CM/ECF system, and a copy of the foregoing pleading has been electronically mailed to all attorneys of record.

/s/MANUEL FERNÁNDEZ-BARED

MANUEL FERNÁNDEZ-BARED

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